

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

JAMES JAMERSON, JR.,

Plaintiff,

v.

BRIAN R. IMMEL, DUFRANE  
LOGISTICS, LLC, and CRUM &  
FORSTER INDEMNITY COMPANY,

Defendants.

CIVIL ACTION FILE  
NO:

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**NOTICE OF REMOVAL**

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Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Brian R. Immel (“Immel”), DuFrane Logistics, LLC (“DuFrane Logistics”), and Crum & Forster Indemnity Company (“CFIC”), named Defendants in the above-styled action (collectively “Defendants”), hereby give notice of the removal of this civil action from the State Court of Henry County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division. Removal is based upon the following:

### **Removal Based on Diversity Jurisdiction**

1. This Court has original jurisdiction of this matter pursuant to 28 U.S.C. § 1332 and this matter may be removed to this Court under 28 U.S.C. §§ 1441 and 1446.

### **Description of the Action**

2. On May 2, 2023, Plaintiff filed Summonses, a Complaint, and written discovery requests in the State Court of Henry County alleging negligence of the Defendants resulting from a motor vehicle accident that occurred on or about July 16, 2021. *See* Plaintiff's Complaint ¶¶ 9-13 and *generally* (attached hereto as Exhibit "A").

3. In the Complaint, Plaintiff asserts that he and Immel were traveling on the same road with Immel positioned one vehicle behind Plaintiff when Immel failed to stop and collided with the vehicle in front of him, in turn impacting Plaintiff's vehicle. *Id.* ¶¶ 9-10, 12.

4. Plaintiff further asserts that DuFrane Logistics is vicariously liable as Immel's employer under the theory of *respondeat superior* and CFIC is liable pursuant to the terms and conditions of its policies of insurance and Georgia law. *Id.* ¶¶ 19-23, 26.

5. CFIC was served with Plaintiff's Complaint and discovery requests on May 10, 2023. *See* Sheriff's Entry of Service (attached hereto as Exhibit "B"); DuFrane Logistics was served with Plaintiff's Complaint and discovery requests on May 10, 2023. *See* Sheriff's Entry of Service (attached hereto as Exhibit "C"); Immel was served with Plaintiff's Complaint and discovery requests on May 18, 2023. *See* Sheriff's Entry of Service (attached hereto as Exhibit "D").

6. CFIC and DuFrane Logistics each filed an answer to Plaintiff's Complaint on June 9, 2023. *See* Answer of Crum & Forster Indemnity Company (attached hereto as Exhibit "E"); Answer of DuFrane Logistics, LLC (attached hereto as Exhibit "F"). Immel filed an answer to Plaintiff's Complaint on June 20, 2023 (attached hereto as Exhibit "G").

### **Consent for Removal**

7. The procedure for removing a case to Federal Court is codified in 28 U.S.C. § 1446 and requires that "all defendants who have been properly joined and served" consent to the removal. 28 U.S.C. § 1446(b)(2)(A); *Cook v. Randolph\_Cnty., Ga.*, 573 F.3d 1143, 1150 (11th Cir. 2009).

8. All named Defendants file the removal of this Action.

### **Amount in Controversy**

9. In diversity cases, 28 U.S.C. § 1332(a) requires that the matter in controversy exceed the sum or value of \$75,000.

10. Plaintiff's Complaint alleges past medical expenses totaling \$48,144.13, "[i]ncidental expenses," "[p]ast, present and future mental and physical pain and suffering, disruption of normal life and diminution in the enjoyment of life," and seeks general damages, special damages, and costs and expenses of this litigation. *See* Complaint ¶¶ 39, 41.

11. Prior to filing this Complaint, on April 24, 2023, Plaintiff's counsel issued a \$500,000 demand to CFIC via electronic mail; on the same day, CFIC responded to Plaintiff's demand with a counter-offer of \$90,000; on May 8, 2023, Plaintiff's counsel responded with a new demand of \$475,000. A copy of these communications is attached to this Notice of Removal (Exhibit "H").

12. Thus, the amount in controversy has been established by a preponderance of the evidence pursuant to 28 U.S.C. § 1446(c)(2)(A)-(B) as shown by Plaintiff's Complaint, Plaintiff's demand, and CFIC's counter-offer.

### **Diversity of Citizenship Requirement**

13. For diversity jurisdiction under 28 U.S.C. § 1332(a)(1), opposing parties must be citizens of different states.

14. Plaintiff is a resident and citizen of the State of Georgia. *See* Complaint ¶ 1.

15. CFIC is a foreign corporation with its state of incorporation in Delaware and with its principal place of business in New Jersey.

16. DuFrane Logistics is a foreign corporation with its state of incorporation and principal place of business in Wisconsin.

17. Immel is a resident and citizen of Wisconsin.

### **Compliance with Deadline for Removal**

18. Pursuant to 28 U.S.C. § 1446(b)(2)(B), each defendant shall have 30 days after receipt by or service on that defendant of the initial pleading or summons to file a notice of removal; pursuant to Fed. R. Civ. P. 6(a)(1)(C), if the prescribed time period falls on a Saturday, Sunday, or legal holiday, the time period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.

19. Immel was served with the Complaint on May 18, 2023. *See* Sheriff's Entry of Service (Exhibit "D").

20. Thus, this Notice of Removal is timely filed.

### **The State Court Proceeding**

21. The originating proceeding is identified as follows: James Jamerson, Jr. v. Brian R. Immel, DuFrane Logistics, LLC, and Crum & Forster Indemnity

Company, State Court of Henry County, Civil Action File No. STSV2023000866.

Pursuant to 28 U.S.C. § 1446(d), a notice regarding removal will be filed with the State Court of Henry County and served upon Plaintiff's counsel promptly following the filing of this Notice of Removal.

### **All State-Court Filings**

22. Pursuant to 28 U.S.C. § 1446(a), the following state-court filings are attached hereto: Plaintiff's Summonses, Complaint, and written discovery requests (Exhibit "A"); Sheriff's Entry of Service re: CFIC (Exhibit "B"); Sheriff's Entry of Service re: DuFrane Logistics (Exhibit "C"); Sheriff's Entry of Service re: Immel (Exhibit "D"); Answer of CFIC (Exhibit "E"); Answer of DuFrane Logistics (Exhibit "F"); and Answer of Immel (Exhibit "G").

**WHEREFORE**, these Defendants exercise their right under the provisions of 28 U.S.C. § 1441, *et seq.* to remove this action from the State Court of Henry County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division.

*(Signatures on following page)*

Respectfully submitted this 20<sup>th</sup> day of June, 2023.

**NALL & MILLER, LLP**

**By: /s/ Jamila G. Watts**  
**AMANDA MATTHEWS**  
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**JAMILA G. WATTS**  
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**CERTIFICATE OF COMPLIANCE WITH N.D. GA. LOCAL RULE 5.1B**

This is to certify that this pleading was created in Times New Roman 14-point font in accordance with Northern District of Georgia Local Rule 5.1B.

This 20<sup>th</sup> day of June, 2023.

**NALL & MILLER, LLP**

**By: /s/ Jamila G. Watts  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day filed a copy of the within and foregoing **NOTICE OF REMOVAL** with the Clerk of Court via the Court's electronic filing system and served a true copy of the same by electronic mail and First Class U.S. Mail, proper postage prepaid, to counsel of record listed below.

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*Attorney for Plaintiff*

This 20<sup>th</sup> day of June, 2023.

**NALL & MILLER, LLP**

/s/ Jamila G. Watts  
**JAMILA G. WATTS**  
Georgia Bar No. 348140

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